

during the docket's normal hours of operation as identified in Unit I.A.1.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

## **II. What Action Is EPA Taking?**

This document extends the public comment period established in the **Federal Register** issued on April 17, 2003 (68 FR 18977) (FRL-7279-9). In that document, EPA sought comment on a proposal for implementing a data compensation program under FFDCA. EPA is hereby extending the comment period, which was set to end on July 16, 2003, to September 16, 2003.

## **III. What Is the Agency's Authority for Taking This Action?**

As part of the Food Quality Protection Act of (FQPA) 1996, Congress amended the FFDCA to address exclusive use and compensation rights for data submitted to EPA in support of tolerance and tolerance exemption actions, and to amend treatment of confidential information under the statute. This proposal addresses the implementation of the statutory requirement.

## **Lists of Subjects**

Environmental protection, Pesticides, Tolerance, and Data compensation.

Dated: July 7, 2003.

**Jim Jones,**

*Director, Office of Pesticide Programs.*

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## **FEDERAL COMMUNICATIONS COMMISSION**

**[DA 03-2057]**

### **ITFS, MDS, and MMDS Pending Applications**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Federal Communications Commission's (FCC's) Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau dismisses applications where the applicants did not respond to an October 18, 2002 public notice requiring applicants to affirm their interest in those applications. The public notice also dismisses legal matters relating to applications that are being dismissed in the public notice.

**FOR FURTHER INFORMATION CONTACT:** For questions relating to legal matters dismissed as a result of this public notice, please contact John J. Schauble, Chief, Policy and Rules Branch, Public Safety and Private Wireless Division at 202-418-0797. For all other questions relating to this Public Notice, contact Mary Shultz, Branch Chief, or Ruth Taylor, Chief, Microwave Section, Licensing and Technical Analysis Branch at 717-338-2646.

**SUPPLEMENTARY INFORMATION:** This is a summary of the FCC's Public Notice, DA 03-2057, released on June 20, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Qualex International, 445 12th Street SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

1. On October 18, 2002, the Wireless Telecommunications Bureau (WTB) released a Public Notice (October Public Notice), 67 FR 69010, November 14, 2002, in which it sought to ensure that it had a complete and accurate listing of

all licenses and pending applications in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). The Public Notice referenced six different tables of licensing information. Specifically, Table E listed all pending applications for ITFS and Table F listed all pending applications for MDS and MMDS. Tables E and F contained the following information for each pending application: licensee name, file number, application purpose, call sign, facility ID, transmitter city/state, BTA and channel. The WTB required that all ITFS, MDS and MMDS licensees and applicants review and verify the information contained in these tables. For pending applications filed prior to March 25, 2002, the WTB required that the applicant respond in writing by December 18, 2002 if continued processing was desired. The time for licensees and applicants in these services to respond to the October Public Notice was extended to February 3, 2003. This deadline was further extended to February 21, 2003.

2. Appendix A to this Public Notice contains a list of those pending ITFS applications with a filing date prior to March 25, 2002 where the applicant/licensee has not responded to the October Public Notice. Appendix B to this Public Notice contains a list of those pending MDS and MMDS applications for with a filing date prior to March 25, 2002 where the applicant/licensee has not responded to the October Public Notice. In the October Public Notice, WTB indicated, "For any applications for which written affirmations requesting further processing have not been received, those applications will be dismissed without prejudice." Accordingly, it is ordered, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and §§ 21.28(d) and 73.3568(a)(1) of the Commission's Rules, 47 CFR 21.28(d), 73.3568(a)(1), the applications listed in Appendix A and Appendix B to this Public Notice are hereby dismissed without prejudice.

3. In addition, as a result of the dismissal of the applications listed in Appendices A and B, certain legal matters are now moot. Those legal matters consist of petitions to deny or petitions for reconsideration filed with respect to those applications, or complaints filed with respect to licenses that have now expired or been forfeited because of the dismissal of renewal applications for those licenses. Since the underlying applications have now